

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

**LINDA C. GRAY, PERSONAL
REPRESENTATIVE FOR THE ESTATE
OF ROBERT L. GRAY,**

Plaintiff,

Case No.

vs.

Judge

**TOBY L. STRAYER, D/B/A STRAYER
SOW FARM & NOAH J. NICHOLL,**

Defendants.

COMPLAINT & JURY DEMAND

Plaintiff, Linda C. Gray, Personal Representative of the Estate of Robert L. Gray,
by her attorney, Randy Arden Musbach, states as follows:

COMPLAINT

Parties

1. Plaintiff Linda C. Gray has been appointed by the Washtenaw County Probate court, Michigan Personal Representative of the Estate of Robert L. Gray, her deceased husband. Both Linda C. Gray and Robert L. Gray were citizens of the State of Michigan at the time of the crash described in this Complaint and Linda C. Gray is still a citizen of the State of Michigan.

2. Defendant Toby L. Strayer, doing business as Strayer Sow Farm, (“Strayer Sow Farm”), is a citizen of the State of Ohio, Allen County and was a citizen of the State of Ohio, Allen County at the time of the crash.

3. Defendant Noah J. Nicholl (“Nicholl”) is a citizen of the State of Ohio and was a citizen of the State of Ohio at the time of the crash.

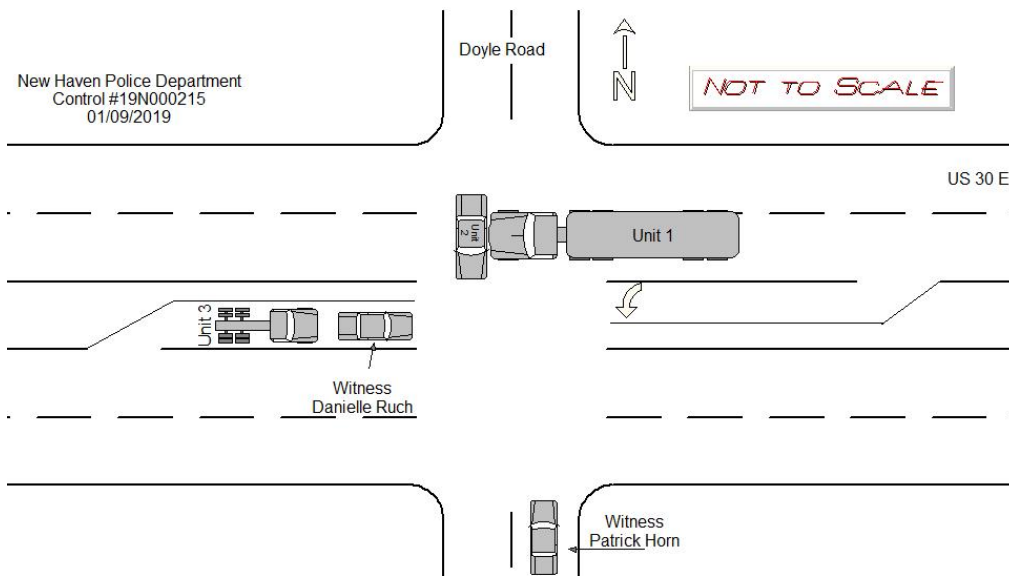
Jurisdiction

4. The crash described in this Complaint occurred in the State of Indiana. As stated above, the Plaintiff is a citizen of the State of Michigan and the Defendants are citizens of the State of Ohio.

5. This Court otherwise has jurisdiction as the amount of damages in this action exceeds the sum of \$75,000.00, exclusive of interest, cost and attorney fees. 28 U.S.C. § 1332.

6. On Wednesday, January 9, 2019, at approximately 8:35 a.m., Robert L. Gray, was driving a car (unit 2) southbound on Doyle Road in Jefferson Township, Allen County, near New Haven, Indiana and Defendant Nicholl was operating a semi-trailer truck, (unit 1) westbound on US 30.

7. As Mr. Gray drove his car through the intersection of Doyle Road/Jefferson Township with a green traffic light for his direction of travel, Defendant Nicholl ran a red traffic light for his direction of travel and his semi-trailer truck “t-boned” Mr. Gray’s car in the intersection.



8. Mr. Gray died as a result of injuries he suffered in the crash and was pronounced dead at the scene by emergency personnel.

9. Plaintiff, the Estate of Robert L. Gray, by his widow Linda C. Gray who is personal representative of his estate, as a direct and proximate result of the negligent acts and omissions of Defendants, has suffered damages, including but not necessarily limited to:

- a. Medical expenses;
- b. Funeral expenses;
- c. Loss of earnings;
- d. Loss of services;
- e. Loss of love, affection and companionship;
- f. Other injuries and damages that may become known during this case.

COUNT I

DEFENDANT NICHOLL

(Negligence)

10. Plaintiff, the Estate of Robert L. Gray, by his widow Linda C. Gray who is personal representative of his estate, adopts by reference allegations 1-9 above.

11. Defendant Nicholl owed a duty to Robert L. Gray to use due care and caution in the operation and control of the semi-trailer truck he was operating and to obey the Indiana Code and the rules of common law.

12. Contrary to the duties owed to Mr. Gary, Defendant Nicholl was negligent in the operation of the semi-trailer truck in that he:

- a. Failed to stop at a red traffic signal in violation of the Indiana Code (IC 9-21-3-7);
- b. Drove his vehicle at at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards then existing in violation of the Indiana Code (IC 9-21-5-1);
- c. Failed to pay proper attention to his course of travel;
- d. Failed to keep a sharp and careful lookout;
- e. Failed to see what there was to be seen;
- f. Failed to keep his vehicle under control;
- g. Failed to operate his vehicle in a manner so as not to endanger Robert L. Gray;
- h. Operated his vehicle with disregard for the rights, safety and position of others upon the highway;

- i. Failed to use extreme caution when operating a commercial vehicle in violation of 49 CFR 392.14.
- j. Failed to comply with the laws, ordinances and regulations where the vehicle was being operated. 49 CFR 392.2.
- k. Plaintiff reserves the right to add additional allegations of negligence, which may appear during this case.

Which are contrary to Indiana Code, rules of common law and Code of Federal Regulations.

13. Plaintiff, the Estate of Robert L. Gray, by his widow Linda C. Gray who is personal representative of his estate, as a direct and proximate result of the negligent acts and omissions of Defendants, was injured and suffered damages as set-forth above.

Linda C. Gray, Robert L. Gray's widow and as personal representative of his estate, requests a judgment against Defendants in whatever amount she is found to be entitled, plus costs, interest and attorney fees.

COUNT II

DEFENDANT STRAYER SOW FARM

(Vicarious Liability)

14. Plaintiff, the Estate of Robert L. Gray, by his widow Linda C. Gray who is personal representative of his estate, adopts by reference allegations 1-13 above.

15. At the time of the crash, Defendant Nicholl was an employee and/or agent of Defendant Strayer Sow Farm and was acting within the course and scope of his employment and/or agency.

16. Defendant Strayer Sow Farm is liable to Plaintiff pursuant to the principles of respondeat superior and/or agency.

17. Plaintiff, the Estate of Robert L. Gray, by his widow Linda C. Gray who is personal representative of his estate, as a direct and proximate result of the negligent acts and omissions of Defendants, was injured and suffered damages as set-forth above.

Linda C. Gray, Robert L. Gray's widow and as personal representative of his estate, requests a judgment against Defendants in whatever amount she is found to be entitled, plus costs, interest and attorney fees.

Date: February 28, 2019

/s/ Randy Arden Musbach
Randy Arden Musbach
Attorney for Plaintiff
109 West Middle Street
Chelsea, MI 48118-1224
(734) 475-5900
FAX (888) 761-7059
randy@randymusbach.com
P-34258

JURY DEMAND

Plaintiff demands a jury trial in this case.

Date: February 28, 2019

/s/ Randy Arden Musbach
Randy Arden Musbach
Attorney for Plaintiff
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